

that country, must continue in effect beyond October 27, 2007.

GEORGE W. BUSH.  
THE WHITE HOUSE, October 24, 2007.

### CONSTITUTIONAL CHECKS AND BALANCES

The SPEAKER pro tempore (Mr. MCNERNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. WALZ) is recognized for 60 minutes.

Mr. WALZ of Minnesota. Mr. Speaker, it is a pleasure to be here with my colleagues, the members of the class of 2006, and I'm going to defer to my colleague from Kentucky who brought an initiative forward and one that we are excited about talking about. It's something that the American people should be excited about talking about. It's a refresher course and, I guess, to bring to the forefront again the most important document in this country, the Constitution.

□ 1730

With that, I yield to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, I thank my colleague from Minnesota, the distinguished president of our class, for yielding and thank him for the superb job he has done in leading us through this wonderful year that we are spending as new Members of Congress.

I want to start this segment by actually reading the first few words of the Constitution of the United States because too often I find that, as I go around the country and go around my district, the people have lost sight and I think many Members of Congress have lost sight of exactly what the Founding Fathers did 220 years ago. I think we are all familiar with the preamble of the Constitution, and it starts with those wonderful words "We the people," those incredible words that actually go to the heart of what we are about as a democracy:

"We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Now, following those words, following that brief preamble, it says in article I, section 1: "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

I think it's amazing to think back to what was going on in those formative years of our Republic in 1787. The country had just rebelled against a monarch in England, and when they were establishing a government that would reflect the hopes and dreams of the people who had gone through that incredible war of revolution against England, they decided to create a government in

which the ultimate power would rest in the people. That's why they said at beginning of the preamble, "We the people." They created in article I the representative body of government that we sit in today. They did that because they didn't want one person being the decider of everything that affected their lives. They wanted to vest the power to govern in themselves through their representatives in Congress.

And so we sit here as successors to that incredible legacy. And it is not only our power to do that vested by the Constitution in article I; it is our responsibility. We have an obligation to govern on behalf of our citizens, "we the people," as reflected in our representation here.

I think those of us who were elected for the first time last November know that, yes, we were elected partially because of the war in Iraq, but we were also elected because the people of the country decided that they really wanted to make sure their voice was heard in Washington. They thought their voice was being ignored. They said this is our government. We are going to change it by sending people there who will listen to us and will put our desires into action through the legislative process.

So I thought it would be wonderful to call attention to the fact that article I does impose, again, not just these powers, but it also imposes responsibilities. And that's what we came here to do, and we recognize that. We want everyone in Congress, both parties, to share in this acknowledgment of what our responsibilities are under the Constitution. I am so proud to have with me tonight and so proud to serve with wonderful people who are committed to the same ideals.

I would like to recognize BETTY SUTTON from Ohio, one of our wonderful new Members, to elaborate on article I and what we are doing to realize and to fulfill our responsibilities under article I.

Ms. SUTTON. I thank the gentleman for his introduction here and I thank you for your leadership. The gentleman from Kentucky is taking us, hopefully, on what will be a bipartisan effort to restore the responsibilities of this Congress has under article I and just sort of bring that back to the forefront because checks and balances are very important in this government. I also want to commend the leadership of our president, TIM WALZ, the gentleman from Minnesota, who is an outspoken advocate for the people that he represents, and, frankly, that's what article I is all about.

As you point out, when we were elected to Congress, we were elected to represent the people of our districts. Not lobbyists on K Street and not operatives at the White House or even the President himself. Our responsibility and our loyalty are to the Americans, the people, first and foremost, who sent us here. That means we have to do the job that they asked us to do.

And that job is important, and we know exactly what that job is because article I in some ways is a job description. As you point out, it's not about really just authority; it's about responsibilities. Nowhere in that job description in article I does it say we have to protect egos or political interests of the executive branch. Nowhere does it say that we have to do only things that the President tells us to do. And nowhere in that job description does it say that Congress answers to anyone but the American people.

There has sort of been a slope here where past Congresses have ceded legislative power to the executive branch, and, frankly, I believe that when that happens, Congress is falling down on their job. I am really glad that we are here tonight to reinvigorate and rededicate ourselves to make sure that we are fulfilling our obligations and our function under article I because it is vitally important to so many issues, from the war in Iraq to all these judiciary issues.

Mr. YARMUTH. I thank my colleague. She has expressed it very well, and that is exactly what I know she has done in our 10 months here.

It also gives me great pleasure to recognize our colleague, another new Member from the great State of Florida, Congressman KLEIN, and I know he has some thoughts on this issue as well.

Mr. KLEIN of Florida. I would like to thank the gentleman from Kentucky and all of my colleagues here in our freshman class. We all ran in these difficult elections almost a year ago, but I think the very strong message that came out of all of us coming to Washington was a very strong message from back home, and that is the responsibilities, as was suggested by our colleagues, that we all know, from our civics classes back in high school and elementary school, that the beauty and the strength of the United States and our democracy is all about checks and balances. It's what makes our system a democracy. We can look at other models in Europe and Asia and around the world and dictatorships and things like that, but the strength of what works in this country is checks and balances.

What we believe is going on and the reason this emphasis on article I is so important and for our public and the people in this country to jump on this and work with us and recognize this and talk about it is because there has been a falling down of one side. We're out of balance. There are three legs to the stool. Each one has a specific set of authority. The judges, the judiciary, interpret. The legislature, that is, the Congress, has the authority to make the laws. And the executive has certain authority into executing and following and, through the agencies, doing certain things. But when one branch gets out of whack, it means the power is coming from another branch. This isn't about personal power. This is about the strength of our democracy. That is the exciting piece here.

So this check and balance is not about President Bush, or any President. It's not about anybody in particular because there are future and past leaders that have all tried to exercise in certain ways. This is about where we are going in the future. I think as the gentlewoman from Ohio has already correctly mentioned, there has been a failure over the last number of years in the legislative branch, the Congress, in fighting back and asserting itself in terms of oversight and accountability and follow-through to make sure that the executive branch, the President and the executive branch, are doing what they are supposed to do, whether it is executing the war in Iraq and making sure that billions of dollars are not flowing out without any follow-up, whether it is an Attorney General that may not have necessarily been following some of the laws as we understand them or at least having the opportunity to ask the questions and not be stonewalled by the executive branch. This is what it's all about. It is a balance. It's a beautiful thing, truly, but it has got to work.

As the gentleman from Kentucky has correctly stated, and I thank him for bringing up in our discussion article I, this conversation that is going to happen throughout our country for the next couple of months is, let's make sure Congress does its job, let's limit the executive branch to do what it has to do, and make sure that our system works in its form of accountability that we have.

Mr. YARMUTH. I thank the gentleman.

I would now like to recognize another colleague, another member of the freshman class and the first president of our class and also a member with me on the Oversight and Government Reform Committee, where I think we perform one of the major powers and responsibilities that article I vests in the Congress: the function of oversight.

Mr. HODES. I thank the gentleman for yielding.

Mr. YARMUTH, let me start by saying how proud I am to stand with my colleagues, other new Members of the class of 2006, to talk about an initiative which you began, the article I initiative, to talk about reasserting the constitutional balance of power in Washington.

For me, in coming to Congress as a new Member of this House from New Hampshire, it was absolutely fundamental to what I talked about in my campaign that the people of New Hampshire sent me to Congress to restore accountability, integrity, and oversight to government. They sent me here because what I said to them and what we now see is that Congress was a broken branch. Congress had not been exercising its oversight and accountability functions. And when Congress does not exercise its important power, its important right, its important obligation to the people to exer-

cise oversight and accountability over the executive branch and other branches of government, things get unbalanced. It was that sense of checks and balances that our Founding Fathers put into the Constitution, and they put it in there for a reason.

They won a Revolutionary War against an empire, the British empire, with an imperial ruler at the top, the King of England. We wanted to make sure that we had a different form of government; that we had a form of government where the people were the top dog in the fight; that the ruler would never become imperial. That is why we have a President, we have a Congress which is divided between the House and the Senate.

In article I, section 1, our founders were very clear. They said, "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." What I saw and many of us saw when we ran was a President who was abusing presidential power in an unprecedented way. This wasn't a matter of parties. It was this President abusing power in an unprecedented way, and it could have happened whatever party that President was in, but this is what we saw, and we ran.

The article I initiative, which you began, which we have joined, and which we are spreading, seeks to heighten the public consciousness of the importance of checks and balances in our system. As newly elected Democratic Members of Congress, we feel with particular importance the obligation we have to reassert the power that the Founding Fathers wisely gave to Congress. When we came, we took an oath of office to protect and defend and uphold the Constitution. Article I is the first article, and it is the first article for a reason. And we are well on our way as we have begun to exercise oversight throughout Congress with hundreds of hearings held in this 110th Congress on many issues and especially the war in Iraq and what has happened with this President and this administration. In the Oversight and Government Reform Committee, we have held oversight hearings about administration interference with the work of GSA, the folks who deal with Federal buildings, turning it into an arm of politics; administration interference with science at NASA; administration incompetence with FEMA, delivering formaldehyde-filled trailers to the victims of Katrina; incompetence and mismanagement by the State Department, failing to exercise oversight over contractors in Iraq, the Blackwater scandal that is beginning to emerge now. We have been holding the hearings that constitute the function of Congress not just to make the law but to exercise the oversight that keeps things in checks and balances.

I am delighted to be with you tonight. We are going to talk about numbers of ways in which we are re-

asserting Congress' power and taking steps to bring the people back to the People's House and serve the interests of the American people.

Mr. YARMUTH. I thank the gentleman from New Hampshire (Mr. HODES).

And now, Mr. Speaker, it gives me great pleasure to introduce one of our more illustrious new Members, Mr. HALL from New York, who has done a great deal in his term of office to uphold article I.

Mr. HALL of New York. Thank you so much, Congressman, for yielding.

I am proud to join my fellow new Members of the class of 2006. Freshmen, new Members, whatever you want to call us, I am really honored to be here with all of you and to tell you, speaking of oversight, about my trip this last weekend to Iraq. I think it's one of the most important functions the Constitution gives to Congress, the power, the sole power, to make war and to fund that war should it decide that it needs to happen.

□ 1745

I flew out on a congressional delegation that was led by our fellow classmate, Dave Loebsack, Congressman of Iowa. And after a few hours of sleep in Kuwait, we were flown in by a C-130 to Balad Airbase in Iraq. On the way in, the plane's crew deployed flares against a perceived threat from the ground. I never found out exactly what they saw, but they fired flares for protection.

We got a tour of the base and the Air Force Theater Hospital there. We spent a night in the Green Zone. I slept in a guest room in one of the pool houses by one of Saddam's palaces, with a big Olympic swimming pool and gold fixtures and a marble bathroom that the guesthouse had. And I understand this is a subject of some friction with the Iraqis who feel that after 4 years we should have handed over the national palaces to the Iraqi people rather than inhabiting them ourselves, but that's another subject.

I have good news and I have not so good news. The good news that I first perceived on my trip is that, first of all, I cannot state strongly enough my admiration and respect for our Army, Navy, Air Force and Marine personnel. Officers, medical teams, enlisted men and women, all are displaying creativity, commitment and a work ethic that should make all of us proud, even when they're carrying out duties other than they were trained for, such as an artillery officer doing civil affairs or training Iraqi police. They are more than up to the mission.

The other good news is the money that we and our fellows here in Congress voted for MRAPs was definitely money well spent. We saw a picture of a Cougar MRAP that was hit by such a powerful explosive that it blew it up 25 feet or so into the air, hooked the utility lines, and brought them down with it as it landed upside down. Four soldiers inside that MRAP, two of them

walked away; the other two spent a night in the hospital with relatively minor injuries and returned to their units. Their commander told us that in any other vehicle all four would have been fatalities.

Now for the bad news. We have a lot of other vehicles. We were shown a huge parking lot. Imagine the biggest used car lot that you ever saw full of Humvees, Bradley vehicles, tanks, trucks, all kinds of vehicles that had been hit by IEDs. Some, including Abrams tanks, looked like they had been opened up by a can opener and had metal inside that had melted and resolidified. Tires, treads, electronics and other useable parts were being salvaged, and the twisted steel that was left sold for scrap to Kuwait.

Some vehicles were deemed fit for repair, but most of what we saw was clearly far beyond repair. The lot we looked at represented thousands of American casualties and billions of taxpayer dollars. We were not, by the way, allowed to take photographs of it.

In the Green Zone, the most heavily guarded part of Baghdad, one of the safest, supposedly, parts of Baghdad, we were shown the concrete shelters every couple of hundred feet and warned to duck inside one of these shelters if an alarm sounded, because just the week before, two American troops were killed by mortar fire in the Green Zone. Even sleeping in a guest room in Saddam's pool house, with the Olympic swimming pool and gold fixtures, we had to be ready to duck and cover.

We had meetings with Ambassador Ryan Crocker, General Petraeus, briefings by the intelligence staff. And my synopsis of the conversations goes like this: Ambassador Crocker said, "the Maliki government is somewhere between challenged and dysfunctional."

I asked repeatedly about what progress is being made toward restoration of clean drinking water, sewer service, and uninterrupted electrical supply. The answers from all of our briefers were vague. And current estimates are that electricity is only on 2 to 3 hours in Baghdad, maybe 12 hours a day in Ramadi or the Shia-controlled south.

The next day we got to go to what they called the safest part of the country, which is Ramadi in Anbar province. Surprise; the last couple of months there has been a decrease in violence there as what they call the Anbar awakening happens with the sheiks deciding they're going to side with us rather than siding with the terrorists.

Nonetheless, as we rode in the helicopter to the safe part of the country, we flew low and fast, close to the deck, with two .50 caliber machine guns out each of the front doors, and a couple of times they fired bursts of automatic weapons fire. And afterwards I asked what it was for, and the gunners said they were clearing intersections. I presume that means firing in front of the

lines of vehicles to make them stop and not drive directly underneath us.

When we entered the marketplace to see the new, safe Ramadi market and the new business center, the small business center that had opened, we were driven there in a Cougar MRAP and told to wear our body armor and our helmets while we were inside the MRAP. And when we took them off and walked around the marketplace, we were surrounded at all times by a ring of dozens of soldiers carrying automatic weapons, and they were wearing their helmets and their body armor. So, if that's the safe part of Iraq, I wonder what the dangerous part is.

On the way home we stopped in Ramstein, Germany, launched to a medical center, visited some of our troops. I saw one of my constituents there and had my picture taken with him, and interrupted his lunch to shake his hand and thank him for his service.

There were several Romanians there who were injured, a number of Americans, all of whom from Iraq were hurt in Baghdad, attacked in Baghdad, and then there was one attacked or wounded in Afghanistan.

Their spirits, in general, were great, and the medical staff was terrific. I can't say enough about our medical core either. And they really appreciate the visits. They really appreciate the donations from home that are coming from individuals, from school kids, from veterans groups and from corporations of everything from fleece and coats and underwear and toothbrushes, anything you might need, duffel bags, because these are soldiers evacuated from the point where they were wounded in the field by helicopter to Balad and then stabilized and sent off to Germany.

So, there are good things, but there are also enough negative things going on there so that I returned with the same conclusion that I went there suspecting, which is that the \$200 billion more that we're being asked for by President Bush for Iraq, based on the presumption that the Maliki government, which our own ambassador describes is dysfunctional, will be up to the task of resolving and reconciling the differences between the different sects is wishful thinking; and that after a year and another \$200 billion, where will we be? What kind of guarantee, what kind of even probability do we have of a stable country to leave behind? If the sheiks in Anbar can get together, if the mullahs in the south, the Shia south can get together, if the Kurds in the north can get together and stop attacking Turkey long enough to have the country that they've always wanted, then perhaps we can bring our troops home and get to business spending that money here on things that Americans, at least in my district, are telling me they need built, infrastructure they need repaired, schools that they need to be improved, and other things that constitute Nation building here at home.

That is the short version of my report. I thank you so much for letting me share that with you.

Mr. YARMUTH. I want to thank my colleague.

Before I introduce another one of our esteemed colleagues from the class of 2006, when you talk about your observations after having gone to Iraq, and many of our colleagues have gone, sometimes I think people get the impression that we're just acting like any other pundit talking on television. But, in fact, what you're doing and what the other Members of our body have done when they go to Iraq is to fulfill their responsibilities under article I. Because article I says that Congress shall have the power to provide for the common defense, it says to raise and support armies, to provide and maintain a Navy, to make rules for the government and regulation of the land and naval forces, and so forth, to provide for organizing, arming and disciplining, this is the militia. But all of these powers and responsibilities are given to the Congress not just to say okay to the President, the Commander in Chief, but to make the decisions as to what the appropriate levels of support for those various responsibilities are.

So when we talk about going to Iraq to assess the situation there, to talk to our troops, that is not just to go for a matter of curiosity or journalistic curiosity, it's actually to fulfill our responsibilities because we are responsible to make decisions as to what appropriate levels of support are.

And with that, I would like to call on my distinguished colleague from Minnesota (Mr. ELLISON).

Mr. ELLISON. Well, my colleagues, let me thank you again for this excellent dialogue.

We have to, as the difference makers in this 110th Congress, tell the people what's going on, what we're here for, and to reclaim the Congress as a co-equal branch of government articulated in article I, a co-equal branch of government that resides and has all legislative powers herein granted shall be vested in the Congress of the United States and shall consist of the Senate and the House of Representatives.

And so as I heard my colleague, Mr. JOHN HALL, articulate his trip to Iraq, I was forced to reflect upon my own. And I didn't go there out of an idle curiosity seeker, a person trying to go on an interesting trip, but as somebody who is going to be called upon to execute a vote, to push a button, red or green or otherwise, as to monies that will be sent forth and as to other business that will be happening in Iraq. That's our job, we claim it, we do not abdicate it, and it would be wrong and a dereliction of our duty to do otherwise.

So, let me commend you and everybody who has gone to that place where our constituents, some of them have spent up to 18 months at a time as they face extended deployments.

And I also want you to know that I sat down at a table with young people

from my district in Minnesota where we ate lunch. I was struck by the fact that wherever they go, they've got these big old guns that they carry with them, everybody. It's like a wallet, but it probably weighs quite a bit more than that. And that's just the lives that they lead. But they distinguish themselves and make us proud by their courage. And it is political authority, politicians like us that make decisions whether they stay or whether they go. So we had better at least spend a little bit of time there with them, and we had better at least try to get in their shoes and identify with what they're going through just a little bit and feel that 130-degree heat that they're in every single day and feel the dust and sand under their feet and the hum of those helicopters. I'm sure you were humming around in those Black Hawks with the windows out and the machine guns on either side, strapped in in four places and feeling the heat of those propellers as the air hits against your helmet. It's the kind of experience that we go through so that we can have some real sympathy and empathy with the people who we are charged to represent. So, hats off to you, Congressman. I appreciate it.

I'm not going to talk long because I love the switching around that we do. But I just want to make one other point as we look at article I and we reclaim and assert our responsibility under the Constitution as Congress. It is also important to understand that we have asserted our authority in the area of promoting working-class prosperity for people.

I am so proud that one of the things we did for the first time in 9 years is raised the minimum wage, Mr. Speaker. The hardest working people in America getting paid the least got a raise under this Congress. And I don't want people to make that into any kind of a small matter. Thousands and thousands of Americans benefited by raising the minimum wage for the first time in 9 years. I'm talking about the folks that clean the bedpans, mop the floors, sit in those cold or hot parking booths all across this country and really do the tough, tough work, getting paid not much of nothing. And you know that if you make minimum wage, basically, if your employer can pay you less, they probably would. So what we did is we raised that minimum wage so people can have a little bit better of a life. So now instead of moms having to tell kids, "Honey, you can't go on that class trip," "Honey, you're going to have to wear those sneakers a few months longer," now, instead of dad saying, "No, son, you can't sign up for baseball," or, "Yes, we're having macaroni and cheese again," now they can say, "No, we're going to do a little better this time. We're going to make your life a little better. We're going to make your quality of life a little better."

So I just want to say, Mr. Speaker, that I'm so proud of my colleagues and

this whole 110th Congress to be able to do a little bit better for the hardest working Americans in our country.

Mr. YARMUTH. I thank the gentleman. And it's interesting because, again, you can find a foundation for all these things we're doing in these very words in article I, because one of our responsibilities is to provide for the general welfare. And when we're talking about the minimum wage, we're talking about the general welfare of the people.

I would like to return to our distinguished president, who has a distinguished military record of his own, since we've been talking about our efforts with regard to Iraq and the military.

Mr. WALZ of Minnesota. Well, I thank the gentleman. And I thank the gentleman from New York for his clear testimony and for fulfilling his obligation, not only as a Congressman, but as a citizen, to ask the hard questions. When we send our soldiers and our warriors into harm's way, it's all of our responsibility to ask, is this the right mission? Are they being provided for with the right equipment? Are we doing everything necessary to ensure that that's happening?

And quite honestly, the problem around here up until January of this year was that people were being told that it was unpatriotic, it wasn't right to question those things because the President, under his administration, was determining that he was the unitary executive, he was the decider. Now, that's the President's right, that's this President's right or any right, I guess, to determine how they're going to look at that.

The foundational principles, though, of this country don't let us just get to pick and choose. We go back to the document that the gentleman from Kentucky keeps referring to. The Constitution of the United States clearly lays out for us, and I think it's kind of interesting and maybe even critical for us, it might be the teacher in me that goes back to this, I have been rereading a book on the Constitutional Convention by two professors from Georgia that take James Madison's notes about what was happening at that time and that summer when they were thinking how they were going to form this government.

□ 1800

When the President talks about he doesn't need 435 commanders in the field or whatever, what he does need to understand is that these 435 Members were the very first piece of decision-making that went into that convention.

I would like to quote a little bit if I could from this, to my colleagues and to you, Mr. Speaker, about what was going through their minds as they were formulating this and what our responsibilities as article 1 is. Keep in mind that they met on May 30, and on June 1, the first piece of legislation once

they got a quorum and they decided they were going to go with a Federal or national government, here are some of the notes that were compiled. Here is Mr. Mason.

Mr. Mason argued strongly for an election of the larger branch by the people. It was going to be the grand depository of the democratic principles of the people. It was, so to speak, to be our House of Commons. It ought to know and sympathize with every part of the people. It ought to therefore not only be taken from different parts of the whole, but also from different districts of the larger members, which had several instances, particularly in Virginia, different interests of views arising from differences of produce, differences of habit, all kinds of differences.

Mr. Madison considered the popular election of one branch of the national legislature as essential to a free government. He thought, too, that the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves and their elected representatives as the pillars. They went on to formulate how they were going to do that and have the debate of who should elect the Senate and how those things should happen. But there was no doubt in anyone's mind by the framers of this government about where the pillar and where that foundation should lay.

I think it is interesting, then, to take a look at this of when they talked about the next branch, when they started talking about the executive branch. On June 1, the delegates began considering the structure of the executive. They were not sure yet what duties would fall to the executive or even whether a single person would hold that position. The major issue that faced them was one of balance. If the executive branch was too strong and independent, many delegates feared it might result in another monarchy like the ones they had recently revolted from. But if the executive was too weak and depended solely on the legislature, it might be ineffective. Thus, checks and balances were key to this.

In going through and looking at these, the different issues that are coming up or the clauses that went into this, it was apparent from the very beginning that the Founders of this Nation clearly understood that. As we said earlier, and my colleagues each said, this isn't about a piece of legislation. This is a platform or a framework to get back to where this country came from. This isn't about President Bush. This is about all subsequent Presidents. And so be it, be that Democratic, Republican or whatever it would be, that those individuals still must fall within this framework.

I believe, and I think my colleagues that are here tonight believe, that that was one of the motivating factors for sending many of us here almost a year ago to the day. It wasn't just ideology. It was about the framework of the genius that went into the Constitution

and the thought processes that formed that.

So in listening to this and listening to Mr. HALL describe his trip to Iraq, he is fulfilling his constitutional duties as an elected official and fulfilling the things that we know are necessary. I would go back to talking about this MRAP. If you remember, without the oversight, it was the administration that sent our soldiers with the army that we had, not the one that we would want. No one asked about body armor. No one asked about up-armored Humvees. Those were the questions that should have been asked in this chamber. But they were told, no, go along with the executive.

Well, article I is about saying, we will never just go along because that is not our duty. I am pleased to see each of my colleagues here. I know the passion that each of them feel for this issue is a passion for this great Nation. It is a passion for the founding principles. It is not a revisionist history. It is not a power grab. It is functional government that delivers for its people. That is what we need to get back to.

With that, I would like to, if I could, yield to the gentlewoman from Ohio.

Ms. SUTTON. I thank the gentleman. What great points, and thank you for reading that because we can all use sort of that reminder that the Founding Fathers recognized the dangers of an imperial Presidency where edicts from the White House might carry more weight than laws passed in Congress or rulings handed down by the court. And that is what we are here to do, to get things back in balance.

Unfortunately, as we have sort of expressed earlier, some of us, that the White House at present has routinely refused to provide information to the Congress. As the gentleman from Minnesota points out, that is not what was envisioned when our Founding Fathers put together the fantastic, amazing, living document that we are here today to reclaim.

Earlier this month, I heard testimony from executive branch witnesses that they were refusing to answer questions before Congress on whether or not there is corruption in the Iraqi Government. We hear this right after we hear our distinguished colleague from New York talking so eloquently about what he saw and what he witnessed. And we hear about our responsibility to come forth with the knowledge that we gain when we go to Iraq and I, too, have visited Iraq. We hear witnesses come in, though, from the administration when you start to ask questions about corruption that may be going on in that country, where we have paid, those of us here, the American soldiers, the troops, the price that they have paid. You speak so eloquently of them, Congressman HALL, and their dedication and their heart. I have to tell you, they are breathtaking to watch in action. But we have to question if money is missing. We have to question when equipment is missing

because the troops pay a price. The American people are paying a price for what we are doing in Iraq.

At any rate, the reality of an administration that instead of providing information so that we can investigate, they stonewalled providing information and in that case and in so many other cases, and I am sure others are going to mention them, it is our responsibility to ask the questions, to get the information and make sure that we make policies that are worthy of those soldiers and are worthy of the American people.

I am so proud to be here with you all tonight, the members of the freshman class as we begin this campaign to reclaim our responsibility. Before I yield back, I just want to mention one thing that was striking. The gentleman from Minnesota mentioned that the President has rights under article II. But I think that we would all be better served that rather than thinking of the President having rights, he should think of them as responsibilities, because they are not personal rights. It is a job description for him, too, in article II.

Mr. YARMUTH. I thank my distinguished colleague from Ohio. It is kind of interesting, because since we are going back to the kind of legislative history of the Constitution, in the Federalist Papers which do constitute, I guess, whatever official legislative history there was, one of the things that James Madison wrote in article number 51 was, he said, "But the great security against a gradual concentration of the several powers in the same department" which would be the executive or the Congress "consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others."

So when you talk about the efforts of the White House, in this particular case, to withhold information that the Senate requires, and we issued subpoenas, which would be our constitutional means of requiring the information to resist the encroachments of the other branch of government, we have been stonewalled on a number of occasions. And this is the type of activity that the Founding Fathers anticipated. They gave us the constitutional means to resist those encroachments. We need to continue to recognize those and to use them whenever we have to.

Now, my colleague from Florida has been standing there for quite a while.

Mr. KLEIN of Florida. Thank you, the gentleman from Kentucky and the gentleman from Minnesota. It was great. It reminded me of being back in school of reading the Federalist Papers and those kind of things. But for those folks listening in this room and around the country, I think we all understand very clearly this is a living, breathing document, the Constitution. It has changed over the years, not the language, but the belief, but the fundamental goals and the values behind it

are all the same. I think when I speak to people back in Florida, and they say to me, "Get control over the problems in Iraq," whether that is changing the policy or making sure that the armor is there and that our military is properly supplied. "What happened in Katrina? How could our government, when we saw those pictures on TV, how would could this be the United States?" We look at third-world countries around the world and surely we go and support them, and yet in our own cities we saw the failure of the government. And unfortunately, at that time, very little "buck stops here" kind of response. People died unfortunately, billions of dollars in property loss, and just the bruising of the American psyche, not to mention the loss of personal lives in New Orleans and other places. It was so wrong on so many levels. I think that hurt America. But the key in what our responsibility is, Members of Congress and Americans together, is to say, let's learn from the errors. Let's learn from our mistakes. That is where the accountability, the balance of power, asking the questions, getting the answers, learning from those mistakes, whether it is in Iraq and finding out where those billions of dollars of cash have gone so it doesn't happen again, whether it is foreign policy or whether it is policy that affects everything in this country. We saw a bridge collapse. Are we looking at all the bridges in the United States to make sure that our infrastructure is safe?

Mr. ELLISON obviously is deeply involved and truly has been a great leader and hero to your community because you obviously knew exactly what needed to be done there. But these are the questions. Where is America today? And the only way we are going to continue to be this great country, this beacon around the world, is to be able to have a thriving democracy that doesn't let one end of the spectrum, in this case the executive branch, run over and not allow the Members of Congress and the American people to ask the questions, get the answers, learn and move forward in a very, very positive way, which is the American value that we all have.

Americans can do anything they want. We know that. But you can't have Washington stopping it. Unfortunately, until this most recent Congress of which we are all privileged to be a part, we had year after year after year where Congress unfortunately didn't do its job in many of our opinions. I am very proud to say that we are making many of the right moves here. We have a lot more work to do. Let's make no mistake about it. Americans demand and expect us to do our job, to do it with fervor and excitement and make sure we correct some of these mistakes and move forward.

But we need help from the executive branch. They have to realize there are limits to those responsibilities. There are no personal issues here, but responsibilities of moving this country ahead.

If everyone will get out of their corner a little bit and come together, I think we can solve all these problems and do it in a very positive way.

Mr. YARMUTH. I would like to recognize my colleague from New Hampshire with a question. And that is, we are about to engage in a fairly contentious series of votes concerning appropriations measures. According to article I, section 8, one of the most important powers that this Congress has is the power of the purse. As a matter of fact, in another Federalist Paper, number 58, James Madison said that, "This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress from every grievance, and from carrying into effect every just and salutary measure."

As we look forward to our deliberations and our discussions of the appropriations process, I would like the gentleman from New Hampshire to discuss our responsibilities in that regard.

Mr. HODES. Thank you. As I have listened to the colloquy we have had here on the floor today in this Chamber where such important issues of war and peace, spending, raising revenue are debated on a daily basis now and thinking about the beginnings of the country, and you have asked about the questions coming up about appropriations, and we have had passed numerous appropriations bills. I think we have passed 12 here in the House of Representatives. The Senate has not yet acted on all of them, because, of course, once we pass the appropriations bills, and they must originate under the Constitution here in the House of Representatives, they go to the Senate. The Senate has to pass them. They come back and forth and they go up to the President. Of course the President has now threatened a veto on the spending necessary to run the Federal Government, to run the program for health and human services, to educate our kids, to heal the sick, all the programs that we have in the Federal Government, he has threatened to veto. And then if he vetoes a bill as we saw with the SCHIP bill, it will come back here where Congress will have the power to vote to override that veto and put it into law despite what the President says. All those powers and all the debates arise out of what my colleague from Florida noted was a living, breathing document. This great democracy of ours comes down to the words and the spirit that are embodied in the Constitution of the United States.

Many Americans around the country really have lost sight of the humble beginnings of the country and the need for the powers in article I.

□ 1815

We were a ragtag country, mostly woodsmen and woodswomen that were fighting against this imperial monarchy. We won a revolution and were

then immediately faced with terrible challenges. We had no Navy. We had no commerce. Our Army was weak because we had just been through a revolution. We didn't have much money. We had no trade. We had few ambassadors. We had very few friends. It was the Constitution that had to lay out all the powers that would serve as the basis for what is now a \$1 trillion a year appropriation in terms of what the Federal Government raises and spends, or borrows and spends in past Congresses.

The challenges we faced coming in here, we are faced with fiscal irresponsibility, in which Congress was borrowing and spending. In fact, the war in Iraq is a perfect example. That war, which is now suggested will cost \$2.4 trillion when all is said and done and all is added up, has been done with borrowing. It has been done by putting it on the backs of our children and our grandchildren. Fiscal irresponsibility. Just waste of taxpayer money, which we were sent here to deal with.

The Constitution lays out clearly that it is Congress's duty to lay and collect taxes, duties, imposts and excises, words these days that don't mean very much. They are fancy, old-fashioned words. We have got to pay the debts and provide for the common defense and general welfare. We are allowed in Congress to borrow money on the credit of the United States because it was very important at the very beginning of the Nation that this government be given the power to deal commercially and get the money it needed in a responsible way to run the affairs of the country. But it was up to Congress to appropriate the money to run the programs, provide for the common defense and general welfare.

Today, we are faced with a tough situation and it will probably take us all through the fall as we deal with the President, who has threatened to veto the responsible measures that we, in Congress, coming together as voices of the people, have decided are necessary to run this country. It is up to Congress, really, to say what those programs should be because that is the power the Constitution gives us.

Mr. Speaker, I heard with great interest the quotes from Madison, the quotes in the book. There is another quote from Madison that really talks about why Congress is the place that provides for the welfare and defense of the country. Madison wrote in Federalist Papers No. 52, and the words, it's a little old-fashioned, but folks will get it, "As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration," the Congress, "should have an immediate dependence on, and an intimate sympathy with, the people". In other words, it was clear from the founding of this Nation that this body, this hall, this place where we stand before there was C-SPAN, before there was tele-

vision, this place is the place of the people.

The 435 people who gather here, each representing 650,000 or so people of the United States, are the folks who, in what I have described to my constituents as the hurly-burly of democracy, come together to decide how things should be governed, what kind of money do we need, and how are we going to spend it.

So that is what we are going to be seeing this fall play out. We don't know how it will end, where it is going to go. The Senate will have a role, certainly the President has a role. But so far it appears that with this President, the role now, unlike the past 6 years of the 109th, 108th, 107th, which, with all due respect for my colleagues on the other side of the aisle, the Republicans, were Republican-dominated Congresses where the veto word was never mentioned, all of the sudden the President has now decided that it is time to veto almost everything that is coming out of Congress. He vetoed SCHIP, a bill to ensure 10 million of our neediest children for health care. Vetoed. We are going to send it back. Threatened vetoes for our appropriations bills to run the Federal Government. He is going to send them back.

This is a new light, apparently, that has dawned on this President, that suddenly a Democratic Congress sending him legislation is all of a sudden going to be subject to vetoes. With this initiative, we are here to reassert the importance, the power, the responsibility of this Congress to act for the people who sent us here.

Mr. YARMUTH. I thank the gentleman from New Hampshire. I would like to yield to the gentleman from New York, with this segue; that we all come from different parts of the country. Isn't it amazing that the Constitutional Convention in its wisdom, the Founding Fathers, I think recognized that even if you had an all-powerful executive, that person, that man or woman could never know the needs and the priorities of every nook and cranny of the country and that you coming from New York or from New Hampshire or Ohio or Florida would all assimilate all of our needs and priorities into a budget and a priority list for the Nation. That is why he vested this type of power in the Congress and not in the executive branch.

Mr. HALL of New York. Mr. Speaker, I thank the gentleman. It is true that all of our areas and our districts around the country are different in many ways, but it is also true that they are the same, and our people have the same needs in many ways.

The gentleman from Florida talked about Hurricane Katrina. The gentleman from Minnesota mentioned the trailers that FEMA didn't know were contaminated with formaldehyde. Two weeks ago, in my district, the town of Deer Park discovered they had lead contamination in their highway department building and their town hall



that was measured at 5,000-plus parts per million of indoor air contamination of lead.

My office called and we got FEMA to send a trailer over 2 days later so they could set up some computers and telephones and at least have a rudimentary office in the parking lot next to their closed-down office being remediated for lead contamination.

Three days later, the following Monday, I found that FEMA had come and towed the trailer away because it was contaminated with formaldehyde. Two-plus years after Hurricane Katrina, they still don't know which of their trailers have formaldehyde in them and which ones don't.

That is why oversight is needed. Whether it is the Veterans' Affairs Committee, which has performed significant oversight, whether it is the Transportation and Infrastructure Committee looking at Coast Guard sweetheart deals with military contractors that resulted in eight vessels being lengthened by 13 feet and rendered unseaworthy, the 123s, as they call them, so they are now being scrapped in Baltimore Harbor, or whether it is oversight of the conduct of the war in Iraq, this body needs to perform oversight, and I am glad after the last 6 years, it is finally doing so.

Mr. YARMUTH. Mr. Speaker, we have just about 5 minutes left, so I thought all my colleagues would like a last chance to talk about what article I means to them and where they think we in this Congress can do our best work in furtherance of the goals of article I.

Mr. ELLISON. Mr. Speaker, when I think about article I, I think this passage in the Federalist Papers where it says that we are to be in intimate sympathy with the people, I got to tell you, that when I sat down along with my colleague Congressman HODES and Congressman KLEIN with the Financial Services Committee to listen to people who had faced foreclosure in their homes because of the subprime lending crisis, I thought about article I.

Mr. Speaker, I thought about article I because article I is that provision that empowers me as an individual Member of Congress to want to listen to people who are facing foreclosure; listen to the mortgage originators who say, yes, we do need to have some regulation of what we are doing, there are some cowboys out there; to listen to these community bankers; and to listen to people who say, look, I made all my mortgage payments, but there is a foreclosure on the left and a boarded building on the right, and my house where I paid every payment is now suffering loss in the value of it because of this foreclosure crisis.

I was in intimate contact with article I as I sat there in earnest and sincere humility listening to people and what they were going through, when I was so proud to sit there on that committee to be able to respond to the people. Because we have to go back there

every 2 years. We can't take a vacation from the people in the House. We got to listen every week. Week in, week out, we are in touch with our folks.

So Mr. Speaker, Mr. YARMUTH, I just wanted to say that article I, what it means to me is sympathy with the people and action on their behalf.

Mr. HODES. Mr. Speaker, I can't help but think about the importance of the power of the purse. James Madison said, "The House of Representatives can not only refuse, but they alone can propose the supplies requisite for the support of government."

The power over the purse is our weapon to use, and I am hoping that this Congress will no longer be the President's enabler when it comes to his misguided policy in Iraq. Earlier this week, he asked for an additional \$46 billion for the wars in Iraq and Afghanistan, bringing the total request this year to almost \$200 billion. By the time we are done, we are going to be at \$2.4 trillion in Iraq. That is enough to provide college educations for every student who wants to go to a 4-year college for free at a private college or university. We could provide health care for every American for a year for the money we are spending.

It is going to be up to Congress to make tough decisions on whether or not we are going to use the power of the purse to take charge of this President's misguided policy.

So I am in contact and intimate sympathy with my constituents in New Hampshire who have said to me loud and clear, "Do something to stop this President's policies in Iraq."

Ms. SUTTON. Mr. Speaker, just briefly, I thank the gentleman for the time. As we began, the 2006 election was not simply a change of course, but a return to checks and balances. Members were elected, as my colleague over here says, to hear from their constituents. We were also elected to speak for our constituents, and we have to be their voice. That is what article I is all about.

So I am glad that this is probably the beginning of many hours to come, where we are going to come to this House floor and we are going to talk about article I and reclaim that responsibility.

Mr. YARMUTH. I thank the gentleman. Finally, our president.

Mr. WALZ of Minnesota. Mr. Speaker, I thank my colleagues for being here. It couldn't have been put better. We represent the entire bread of this country, from New York to New Hampshire out to Minnesota, Kentucky down to Florida. And there is more to come and there will be more to talk about this.

I am just reminded, remember how the Constitutional Convention ended? All of us remember this story from school, where Benjamin Franklin was asked what he was thinking about, and he said, I remember looking at that sun sitting behind General Washington and thinking during the time that this

was crafted, is that a rising or a setting sun? And he said when they had ended, I could say with happiness, it is a rising sun.

This country's democracy is still healthy, it is still moving forward, the checks and balances are still here, and this country knows that it is the true secret credit of where our greatness lies.

Mr. YARMUTH. Mr. Speaker, I thank the gentleman and I thank all my colleagues. It has been a wonderful hour. I think the dialogue we have had tonight not only discusses an important issue, but also reflects the greatness of the Founding Fathers because it created this body in which we can have this type of discussion. So I thank my colleagues once again. We will have many more discussions like this.

Mr. WALZ of Minnesota. Mr. Speaker, I yield back the balance of my time.

#### VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute special order of the gentleman from Texas (Mr. POE) is vacated.

There was no objection.

#### CRUEL AND UNUSUAL PUNISHMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE. Mr. Speaker, I will address this house tonight on a very special issue. It is good to hear that the speakers prior to me used as the basis of their dialogue the Constitution.

Far too often it seems to me that in this House we talk and pontificate about all kinds of things, but sometimes we forget the basis for all legislation, the basis for what we do, the basis for the oath that we took as Members of Congress, was to support the Constitution of the United States.

□ 1830

Like many Members of Congress, I carry a pocket Constitution with me to refer to from time to time. I want to read just one portion of the U.S. Constitution. It is the eighth amendment to the Constitution. We call the first 10 amendments to our Constitution the Bill of Rights.

It says in the eighth amendment that excessive bail should not be required, nor excessive fines imposed. It also says nor cruel and unusual punishments inflicted. You notice the phrase is "cruel and unusual punishment." Far too often some quote this phrase in the Constitution as cruel or unusual. That is not the law and it has never been the law. The law is punishment should not be cruel and unusual.

A little history is in order. Our forefathers that wrote this Constitution did not come up with that phrase. It